

**Lebrun Trucking, LLC
York County
Wells, Maine
A-759-71-B-R**

**Departmental
Findings of Fact and Order
Air Emission License**

After review of the air emissions license application, staff investigation reports and other documents in the applicant's file in the Bureau of Air Quality, pursuant to 38 M.R.S.A., Section 344 and Section 590, the Department finds the following facts:

I. REGISTRATION

A. Introduction

Lebrun Trucking, LLC (LeBrun), located in Wells, Maine, has applied to renew their Air Emission License, permitting the operation of their gravel and sand facility.

B. Emission Equipment

Lebrun is authorized to operate the following air emission units:

Fuel Burning Equipment

<u>Equipment</u>	<u>Maximum Capacity (MMBtu/hr)</u>	<u>Fuel Type, %Sulfur</u>	<u>Maximum Firing Rate (i.e. gal/hr)</u>
Diesel Generator	0.88	Diesel, 0.05%	6.4

Process Equipment

<u>Equipment</u>	<u>Production Rate</u>	<u>Pollution Control Equipment</u>	<u>Date of Construction</u>
Primary Rock Crusher	25 tons/hr	Water Sprays	1965

C. Application Classification

LeBrun is considered to be an existing source applying for a license renewal. The application for LeBrun is classified as non-major based on the diesel emissions, and the small, unquantifiable rock crusher emissions. The license is for a non-major source and has been processed as such.

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II. BEST PRACTICAL TREATMENT (BPT)

A. Introduction

In order to receive a license the applicant must control emissions from each unit to a level considered by the Department to represent best practical treatment (BPT), as defined in Chapter 100 of the Air Regulations. Separate control requirement categories exist for new and existing equipment as well as for those sources located in designated non-attainment areas.

B. Diesel Generator:

BPT for the Diesel Generator is the following:

Diesel Unit #1 (0.88 MMBtu/hr) powers the rock crusher. Total fuel use in the diesel unit shall not exceed 5000 gal/year of diesel fuel, based on a 12 month rolling total, with a maximum sulfur content of 0.05% by weight and is therefore considered to be receiving BPT.

A summary of the BPT analysis for each of the pollutants is discussed below:

1. A Particulate Matter (PM) emission limit of 0.12 lb/MMBtu shall be considered BPT.
2. A SO₂ emission limit determined by Mass Balance shall be considered BPT.
3. MEDEP Chapter 106 regulates fuel sulfur content, however the use of 0.05% sulfur by weight fuel is more stringent and shall be used.
4. NO_x, CO and VOC emission rates are based upon AP-42 data dated 10/96 for diesel engines less than 600 hp.
5. Opacity from the diesel unit shall not exceed 20% on a six (6) minute block average basis, except for no more than two (2) six (6) minute block averages in a 3-hour period.

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C. Primary Rock Crusher

The primary rock crusher is attached to a concrete base and was manufactured in 1965 with a rated capacity of 25.0 tons/hr. EPA New Source Performance Standards (NSPS) Subpart OOO for Nonmetallic Mineral Processing Plants applies to fixed rock crushers constructed after August 31, 1983 with capacities greater than 25 tons/hr. Therefore, Lebrun Trucking is not subject to NSPS Subparts A and OOO.

The regulated pollutant from the rock crusher is particulate emissions. To meet the requirements of Best Practical Treatment (BPT) for control of particulate matter (PM) emissions from the rock crusher, LeBrun shall maintain water sprays on the rock crushers and operate as needed to control visible emissions. Visible emissions from the rock crushers shall be limited to no greater than 10% opacity on a six (6) minute block average basis.

D. Stock Piles and Roadways

Visible emissions from a fugitive emission source shall not exceed an opacity of 20 percent, except for no more than five (5) minutes in any 1-hour period. Compliance shall be determined by an aggregate of the individual fifteen (15)-second opacity observations which exceed 20 percent in any one (1) hour.

E. General Process Sources

Visible emissions from a general process (including conveyor belts) shall not exceed an opacity of 10% on a six (6) minute block average basis, except for no more than one (1) six (6) minute block average in a 1-hour period.

F. Annual Emission Restrictions

Lebrun shall be restricted to the following annual emissions, based on a 12 month rolling total:

Total Allowable Annual Emissions for the Facility
(used to calculate the annual license fee)

<u>Pollutant</u>	<u>Tons/yr</u>
PM	0.04
PM ₁₀	0.04
NO _x	1.15
SO ₂	0.02
CO	0.33
VOC	0.12

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III. AMBIENT AIR QUALITY ANALYSIS

According to the Maine Regulations Chapter 115, the level of air quality analyses required for a renewal source shall be determined on a case-by-case basis. Modeling and monitoring are not required of a renewal if the total emissions of any pollutant released do not exceed the following:

<u>Pollutant</u>	<u>TPY</u>
PM	50
PM ₁₀	25
SO ₂	50
NO _x	100
CO	250

Based on the above total facility emissions, Lebrun is below the emissions level required for modeling and monitoring.

ORDER

Based on the above Findings and subject to conditions listed below the Department concludes that the emissions from this source:

- will receive Best Practical Treatment,
- will not violate applicable emission standards,
- will not violate applicable ambient air quality standards in conjunction with emissions from other sources.

The Department hereby grants Air Emission License A-759-71-B-R, subject to the following conditions:

- (1) Employees and authorized representatives of the Department shall be allowed access to the licensee's premises during business hours, or any time during which any emissions units are in operation, and at such other times as the Department deems necessary for the purpose of performing tests, collecting samples, conducting inspections, or examining and copying records relating to emissions. [MEDEP Chapter 115]
- (2) The licensee shall acquire a new or amended air emission license prior to commencing construction of a modification, unless specifically provided for in Chapter 115. [MEDEP Chapter 115]

- (3) Approval to construct shall become invalid if the source has not commenced construction within eighteen (18) months after receipt of such approval or if construction is discontinued for a period of eighteen (18) months or more. The Department may extend this time period upon a satisfactory showing that an extension is justified, but may condition such extension upon a review of either the control technology analysis or the ambient air quality standards analysis, or both. [MEDEP Chapter 115]
- (4) The licensee shall establish and maintain a continuing program of best management practices for suppression of fugitive particulate matter during any period of construction, reconstruction, or operation which may result in fugitive dust, and shall submit a description of the program to the Department upon request. [MEDEP Chapter 115]
- (5) The licensee shall pay the annual air emission license fee to the Department, calculated pursuant to Title 38 MRSA §353. [MEDEP Chapter 115]
- (6) The license does not convey any property rights of any sort, or any exclusive privilege. [MEDEP Chapter 115]
- (7) The licensee shall maintain and operate all emission units and air pollution control systems required by the air emission license in a manner consistent with good air pollution control practice for minimizing emissions. [MEDEP Chapter 115]
- (8) The licensee shall maintain sufficient records, to accurately document compliance with emission standards and license conditions and shall maintain such records for a minimum of six (6) years. The records shall be submitted to the Department upon written request. [MEDEP Chapter 115]
- (9) The licensee shall comply with all terms and conditions of the air emission license. The filing of an appeal by the licensee, the notification of planned changes or anticipated noncompliance by the licensee, or the filing of an application by the licensee for the renewal of a license or amendment shall not stay any condition of the license. [MEDEP Chapter 115]
- (10) The licensee may not use as a defense in an enforcement action that the disruption, cessation, or reduction of licensed operations would have been necessary in order to maintain compliance with the conditions of the air emission license. [MEDEP Chapter 115]

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(11) In accordance with the Department's air emission compliance test protocol and 40 CFR Part 60 or other method approved or required by the Department, the licensee shall:

(i) perform stack testing to demonstrate compliance with the applicable emission standards under circumstances representative of the facility's normal process and operating conditions:

- a. within sixty (60) calendar days of receipt of a notification to test from the Department or EPA, if visible emissions, equipment operating parameters, staff inspection, air monitoring or other cause indicate to the Department that equipment may be operating out of compliance with emission standards or license conditions; or
- b. pursuant to any other requirement of this license to perform stack testing.

(ii) install or make provisions to install test ports that meet the criteria of 40 CFR Part 60, Appendix A, and test platforms, if necessary, and other accommodations necessary to allow emission testing; and

(iii) submit a written report to the Department within thirty (30) days from date of test completion.

[MEDEP Chapter 115]

(12) If the results of a stack test performed under circumstances representative of the facility's normal process and operating conditions indicate emissions in excess of the applicable standards, then:

(i) within thirty (30) days following receipt of such test results, the licensee shall re-test the non-complying emission source under circumstances representative of the facility's normal process and operating conditions and in accordance with the Department's air emission compliance test protocol and 40 CFR Part 60 or other method approved or required by the Department; and

(ii) the days of violation shall be presumed to include the date of stack test and each and every day of operation thereafter until compliance is demonstrated under normal and representative process and operating conditions, except to the extent that the facility can prove to the satisfaction of the Department that there were intervening days during which no violation occurred or that the violation was not continuing in nature; and

(iii) the licensee may, upon the approval of the Department following the successful demonstration of compliance at alternative load conditions, operate under such alternative load conditions on an interim basis prior to a

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demonstration of compliance under normal and representative process and operating conditions.
[MEDEP Chapter 115]

- (13) Notwithstanding any other provision in the State Implementation Plan approved by the EPA or Section 114(a) of the CAA, any credible evidence may be used for the purpose of establishing whether a person has violated or is in violation of any statute, regulation, or Part 70 license requirement. [MEDEP Chapter 115]
- (14) The licensee shall maintain records of malfunctions, failures, downtime, and any other similar change in operation of air pollution control systems or the emissions unit itself that would affect emissions and that is not consistent with the terms and conditions of the air emission license. The licensee shall notify the Department within two (2) days or the next state working day, whichever is later, of such occasions where such changes result in an increase of emissions. The licensee shall report all excess emissions in the units of the applicable emission limitation. [MEDEP Chapter 115]
- (15) Upon written request of the Department, the licensee shall establish and maintain such records, make such reports, install, use and maintain such monitoring equipment, sample such emissions (in accordance with such methods, at such locations, at such intervals, and in such manner as the Department shall prescribe), and provide other information as the Department may reasonably require to determine the licensee's compliance status. [MEDEP Chapter 115]

Specific Conditions

(16) Rock Crusher

- A. Lebrun shall install and maintain spray nozzles for particulate control on Rock Crusher #1 and operate them as necessary to limit visible emissions to no greater than 10% opacity on a six (6) minute block average basis. [MEDEP Chapters 115 (BPT) and 101]
- B. LeBrun shall maintain a log detailing the maintenance on the water spray nozzles. The maintenance log shall be kept on-site at the rock crushing location. [MEDEP Chapter 115, BPT]
- C. LeBrun shall maintain a log detailing and quantifying the hours of operation on a daily basis for all of the primary, secondary and tertiary rock crushers. The operation log shall be kept on-site at the rock crushing location. [MEDEP Chapter 115, BPT]

(17) Diesel Unit [MEDEP Chapter 115, Chapter 101, BPT]

- A. Capacity shall not exceed 0.88 MMBtu/hr.
- B. Fuel use shall not exceed 5000 gallons/year diesel fuel, based on a 12 month rolling total, with a maximum sulfur content of 0.05%. Fuel use records shall be maintained on a monthly basis, in addition to the 12 month rolling total.
- C. Emissions shall not exceed the following, based on a 12 month rolling total:

<u>Pollutant</u>	<u>lb/hr</u>
PM	0.11
PM ₁₀	0.11
SO ₂	0.05
NO _x	3.88
CO	0.84
VOC	0.31

- D. Visible emissions from the diesel unit shall not exceed 20% opacity on a six (6) minute block average basis, except for no more than two (2) six (6) minute block averages in a 3-hour period.

(18) Stockpiles and Roadways

Visible emissions from a fugitive emission source shall not exceed an opacity of 20 percent, except for no more than five (5) minutes in any 1-hour period. Compliance shall be determined by an aggregate of the individual fifteen (15)-second opacity observations which exceed 20 percent in any one (1) hour. [MEDEP Chapter 101]

(19) General Process Sources

Visible emissions from any general process source shall (including conveyor belts) not exceed an opacity of 10% on a six (6) minute block average basis, except for no more than one (1) six (6) minute block average in a 1-hour period. [MEDEP Chapter 101 and Chapter 115, BPT]

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- (20) Equipment Relocation [MEDEP Chapter 115, BPT]
- A. LeBrun shall notify the Bureau of Air Quality, by a written notification at least 10 days in advance, prior to relocation of any equipment carried on this license. The notification shall be sent to:
- Attn: Relocation Notice
Maine DEP
Bureau of Air Quality
17 State House Station
Augusta, ME 04333-0017
- The notification shall include the address of the equipment's new location and the license number pertaining to the relocated equipment. If less than 10 days is necessary for notification, contact the regional inspector by phone to notify of the upcoming relocation. This phone contact with the regional inspector shall be followed up with a written notice of relocation with the appropriate information.
- B. Written notification shall also be made to the municipality where the equipment will be relocated, except in the case of an unorganized territory where notification will be made to the respective county commissioners.
- (21) LeBrun shall pay the annual air emission license fee within 30 days of **March 31th** of each year. Pursuant to 38 MRSA §353-A, failure to pay this annual fee in the stated timeframe is sufficient grounds for revocation of the license under 38 MRSA §341-D, subsection 3. [38 MSRA §353-A]

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- (22) Lebrun shall keep a copy of this Order on site, and have the operator(s) be familiar with the terms of this Order. [MEDEP Chapter 115, BPT]

DONE AND DATED IN AUGUSTA, MAINE THIS DAY OF 2004.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: _____
DAWN R. GALLAGHER, COMMISSIONER

The term of this order shall be for five (5) years from the signature date above.

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

Date of initial receipt of application: 2/4/2004

Date of application acceptance: 2/23/2004

Date filed with Board of Environmental Protection: _____

This order prepared by Jonathan Voisine, Bureau of Air Quality